

SERVICE DATE – MAY 22, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 775X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—IN CLARK, FLOYD,
LAWRENCE, ORANGE, & WASHINGTON COUNTIES, IND.

Decided: May 21, 2018

CSX Transportation, Inc. (CSXT), filed a verified notice of exemption under 49 C.F.R. § 1152 subpart F—Exempt Abandonments to abandon an approximately 62.3-mile rail line on its Northern Region, Louisville Division, Hoosier Subdivision between milepost 00Q 251.7, near Bedford, and milepost 00Q 314.0, near New Albany, in Clark, Floyd, Lawrence, Orange, and Washington Counties, Ind. (the Line). On January 8, 2018, notice of the exemption was served and published in the Federal Register (83 Fed. Reg. 936). The exemption became effective on March 12, 2018, subject to standard employee protective conditions, and subject to environmental, historic preservation, interim trail use/rail banking (NITU), and public use conditions imposed by a decision served on February 28, 2018 (February 2018 decision).

In the February 2018 decision, the Board imposed a historic preservation condition under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 30618 (NHPA), recommended by the Board's Office of Environmental Analysis (OEA). The historic preservation condition requires, among other things, CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process has been completed and the Board has removed the condition.

In a Supplemental Final Environmental Assessment (EA) dated April 11, 2018, OEA states that it received a letter from the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (SHPO) dated March 19, 2018, stating that no currently known archaeological resources eligible for inclusion in the National Register have been recorded within the Area of Potential Effect. The SHPO, however, has indicated that three bridges on the Line may meet the criteria for inclusion in the National Register. The bridges are located at Mileposts 282.2, 284.9, and 289.8. According to the SHPO, the B&O Passenger Station in Mitchell may meet the criteria of eligibility due to its historical and architectural significance. The Orleans Historic District and the Salem Downtown Historic District are within the probable area of potential effects and are listed in the National Register.

CSXT has requested that the Board amend its February 2018 decision to allow it to conduct salvage activities on the Line in areas where no historic resources are located. The

SHPO has indicated that it does not have concerns regarding salvage activities on the Line in areas where no historic resources are located. Accordingly, OEA recommends that the Board modify the Section 106 condition per CSXT's request.

Therefore, consistent with OEA's recommendation, the Section 106 historic preservation condition will be modified.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The Section 106 historic preservation condition imposed in the February 2018 decision is modified as follows: CSXT shall retain its interest in and take no steps to alter the historic integrity of the bridges located at Mileposts 282.2, 284.9, and 289.8; the B&O Passenger Station in Mitchell; and all the historic property including sites, buildings, structures, and objects (including tracks and ties) within the Area of Potential Effect in the Orleans and Salem Downtown Historic Districts that are eligible for listing or listed in the National Register until the Section 106 process of the NHPA has been completed. CSXT shall report back to OEA regarding any consultations with the SHPO and the public. CSXT may not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.